

AO 94 (Rev. 12/03) Commitment to Another District

SEP 20 2006

BM

UNITED STATES DISTRICT COURT

Michael N. Milby, Clerk
Laredo Division

Southern

District of

Texas, Laredo Division

UNITED STATES OF AMERICA
V.COMMITMENT TO ANOTHER
DISTRICT

Julio Franco, a/k/a: Ramon Mercedes Ortiz

DOCKET NUMBER

MAGISTRATE JUDGE CASE NUMBER

District of Arrest

District of Offense

District of Arrest

District of Offense

5:06-MJ-1504

03-10383-RGS

CHARGES AGAINST THE DEFENDANT ARE BASED UPON AN

☒ Indictment ☐ Information ☐ Complaint ☐ Other (specify)

charging a violation of 21

U.S.C. § 846 and 18:2

DISTRICT OF OFFENSE

Massachusetts

DESCRIPTION OF CHARGES:

Conspiracy to knowingly and intentionally possess with intent to distribute cocaine, a Schedule II controlled substance, in violation of 21 U.S.C. 846 (a) (1) and attempted possession with intent to distribute cocaine, and aiding and abetting.

CURRENT BOND STATUS:

- ☐ Bail fixed at \$ _____ and conditions were not met
- ☐ Government moved for detention and defendant detained after hearing in District of Arrest
- ☒ Government moved for detention and defendant detained pending detention hearing in District of Offense
- ☒ Other (specify) Identity hearing and have been informed I have no right to a preliminary examination.

Representation: ☐ Retained Own Counsel ☒ Federal Defender Organization ☐ CJA Attorney ☐ NoneInterpreter Required? ☐ No ☒ Yes Language: Spanish

DISTRICT OF

TO: THE UNITED STATES MARSHAL

You are hereby commanded to take custody of the above named defendant and to transport that defendant with a certified copy of this commitment forthwith to the district of offense as specified above and there deliver the defendant to the United States Marshal for that District or to some other officer authorized to receive the defendant.

Date

Judge

RETURN

This commitment was received and executed as follows:

DATE COMMITMENT ORDER RECEIVED

PLACE OF COMMITMENT

DATE DEFENDANT COMMITTED

DATE

UNITED STATES MARSHAL

(BY) DEPUTY MARSHAL

TRUE COPY, I CERTIFY
ATTEST:

Michael N. Milby, Clerk
Deputy Clerk

AO 442 (Rev. 5/93) Warrant for Arrest

United States District Court

DISTRICT OF Massachusetts

UNITED STATES OF AMERICA

WARRANT FOR ARREST

1

v.

Julio Franco,
a/k/a "Ramon Mercedes-Ortiz"

FPD

CASE NUMBER:

03-10383-RDS

To: The United States Marshal
and any Authorized United States Officer

ID Hrg. / Det. Hrg.

506M51504

9-19-06

YOU ARE HEREBY COMMANDED to arrest

Julio Franco, a/k/a "Ramon Mercedes-Ortiz"

Name

and bring him or her forthwith to the nearest magistrate judge to answer a(n)

☒ Indictment ☐ Information ☐ Complaint ☐ Order of court ☐ Violation Notice ☐ Probation Violation Petition

charging him or her with (brief description of offense)

~~Conspiracy~~ to knowingly and intentionally possess with intent to distribute cocaine, a Schedule II controlled substance, in violation of 21 U.S.C. § 846 and 841 (a) (1) ~~and attempted possession~~ with intent to distribute cocaine, and aiding and abetting.

in violation of
Title

United States Code, Section(s) 846 and 18 U.S.C. § 2

Name of Issuing Officer

Operations Supervisor
Title of Issuing Officer

Signature of Issuing Officer

12-17-2003 Boston, MA
Date and Location

Bail fixed at \$

Detention

by

Name of Judicial Officer

RETURN

This warrant was received and executed with the arrest of the above-named defendant at

DATE RECEIVED

NAME AND TITLE OF ARRESTING OFFICER

SIGNATURE OF ARRESTING OFFICER

DATE OF ARREST

US Border Patrol

[Signature]

SEPT 10 2003

Case 1:03-cr-10383-RGS Document 16 Filed 12/17/2003 Page 1 of 5

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	CRIMINAL NO. 03-10383-RGS
)	
v.	)	VIOLATIONS:
)	
1. JULIO FRANCO,	)	- 21 U.S.C. § 846 -
a/k/a "Ramon)	
Mercedes-Ortiz,"	)	Conspiracy to Distribute,
2. DOMINGO VEGA,	)	And to Possess with Intent
a/k/a "Mingo," and	)	To Distribute, Cocaine
3. JOSE RAFAEL SANTIAGO,)	
a/k/a "Raffi,"	)	- 21 U.S.C. § 846
	)	Attempted Possession with
Defendants.	)	Intent To Distribute Cocaine
)	
	)	- 18 U.S.C. § 2
	)	Aiding and Abetting
)	
	)	- 21 U.S.C. § 853
	)	Criminal Forfeiture

INDICTMENTCOUNT ONE:

(21 U.S.C. § 846 - Conspiracy to Distribute,
and to Possess with Intent to Distribute,
Cocaine).

The Grand Jury charges that:

Beginning on an unknown date but at least by in or about
September 2003 and continuing to on or about November 9, 2003, at
Lynn, Boston, Worcester and elsewhere in the District of
Massachusetts, in Providence in the District of Rhode Island, and
elsewhere,

1. JULIO FRANCO, a/k/a "Ramon Mercedes-Ortiz,"
2. DOMINGO VEGA, a/k/a "Mingo," and
3. JOSE RAFAEL SANTIAGO, a/k/a "Raffi,"

defendants herein, did knowingly and intentionally combine,

Case 1:03-cr-10383-RGS Document 16 Filed 12/17/2008 Page 2 of 5

conspire, confederate, and agree with each other, and with other persons known and unknown to the Grand Jury, to distribute, and to possess with intent to distribute, cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

The conspiracy charged herein involved five kilograms or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Sections 846 and 841(b)(1)(A)(ii).

Case 1:03-cr-10383-RGS Document 16 Filed 12/17/2003 Page 3 of 5

COUNT TWO: (21 U.S.C. § 846 - Attempted Possession
with Intent to Distribute Cocaine).

The Grand Jury further charges that:

Beginning on an unknown date but at least by on or about November 7, 2003 and continuing to on or about November 9, 2003, at Lynn, Boston, Worcester and elsewhere in the District of Massachusetts, in Providence in the District of Rhode Island, and elsewhere,

1. JULIO FRANCO, a/k/a "Ramon Mercedes-Ortiz,"
2. DOMINGO VEGA, a/k/a "Mingo," and
3. JOSE RAFAEL SANTIAGO, a/k/a "Raffi,"

defendants herein, did knowingly and intentionally attempt to possess with intent to distribute cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

The offense charged herein involved five kilograms or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Sections 846 and 841(b)(1)(A)(ii) and 18 U.S.C. § 2.

AO 94 (Rev. 12/03) Commitment to Another District

SEP 20 2006

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UNITED STATES DISTRICT COURT

Michael N. Milby, Clerk
Laredo Division

Southern

District of

Texas, Laredo Division

UNITED STATES OF AMERICA
V.COMMITMENT TO ANOTHER
DISTRICT

Julio Franco, a/k/a: Ramon Mercedes Ortiz

DOCKET NUMBER

MAGISTRATE JUDGE CASE NUMBER

District of Arrest

District of Offense

District of Arrest

District of Offense

5:06-MJ-1504

03-10383-RGS

CHARGES AGAINST THE DEFENDANT ARE BASED UPON AN

☒ Indictment ☐ Information ☐ Complaint ☐ Other (specify)

charging a violation of 21

U.S.C. § 846 and 18:2

DISTRICT OF OFFENSE

Massachusetts

DESCRIPTION OF CHARGES:

Conspiracy to knowingly and intentionally possess with intent to distribute cocaine, a Schedule II controlled substance, in violation of 21 U.S.C. 846 (a) (1) and attempted possession with intent to distribute cocaine, and aiding and abetting.

CURRENT BOND STATUS:

- ☐ Bail fixed at \$ _____ and conditions were not met
- ☐ Government moved for detention and defendant detained after hearing in District of Arrest
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Representation: ☐ Retained Own Counsel ☒ Federal Defender Organization ☐ CJA Attorney ☐ NoneInterpreter Required? ☐ No ☒ Yes Language: Spanish

DISTRICT OF

TO: THE UNITED STATES MARSHAL

You are hereby commanded to take custody of the above named defendant and to transport that defendant with a certified copy of this commitment forthwith to the district of offense as specified above and there deliver the defendant to the United States Marshal for that District or to some other officer authorized to receive the defendant.

Date

Judge

RETURN

This commitment was received and executed as follows:

DATE COMMITMENT ORDER RECEIVED

PLACE OF COMMITMENT

DATE DEFENDANT COMMITTED

DATE

UNITED STATES MARSHAL

(BY) DEPUTY MARSHAL

TRUE COPY, I CERTIFY
ATTEST:

Michael N. Milby, Clerk
Deputy Clerk

SEP 20 2006
LAREDO, TEXAS
U.S. MARSHAL

AO 442 (Rev. 5/93) Warrant for Arrest

United States District Court

DISTRICT OF Massachusetts

UNITED STATES OF AMERICA

WARRANT FOR ARREST

I v.
Julio Franco,
a/k/a "Ramon Mercedes-Ortiz"

CASE NUMBER: 03-10383-RGS

To: The United States Marshal
and any Authorized United States Officer

IDHIS/DET. HYS.
9-19-06

506M57504

YOU ARE HEREBY COMMANDED to arrest

Julio Franco, a/k/a "Ramon Mercedes-Ortiz"

Name

and bring him or her forthwith to the nearest magistrate judge to answer a(n)

☒ Indictment ☐ Information ☐ Complaint ☐ Order of court ☐ Violation Notice ☐ Probation Violation Petition

charging him or her with (brief description of offense)

~~Conspiracy~~ to knowingly and intentionally possess with intent to distribute cocaine, a Schedule II controlled substance, in violation of 21 U.S.C. § 846 and 841 (a) (1) ~~and attempted possession~~ with intent to distribute cocaine, and aiding and abetting.

in violation of
Title

United States Code, Section(s) 846 and 18 U.S.C. § 2

Name of Issuing Officer

Signature of Issuing Officer

Title of Issuing Officer

12-17-2003 Boston, MA
Date and Location

Bail fixed at \$

by

Name of Judicial Officer

RETURN

This warrant was received and executed with the arrest of the above-named defendant at

DATE RECEIVED

NAME AND TITLE OF ARRESTING OFFICER

SIGNATURE OF ARRESTING OFFICER

DATE OF ARREST

SEPT 10 2006

US Border Patrol

[Signature]

Case 1:03-cr-10383-RGS Document 16 Filed 12/17/2006 Page 1 of 5

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	CRIMINAL NO. 03-10383-RGS
)	
v.	)	VIOLATIONS:
)	
1. JULIO FRANCO,	)	- 21 U.S.C. § 846 -
a/k/a "Ramon)	
Mercedes-Ortiz,"	)	Conspiracy to Distribute,
2. DOMINGO VEGA,	)	And to Possess with Intent
a/k/a "Mingo," and	)	To Distribute, Cocaine
3. JOSE RAFAEL SANTIAGO,)	
a/k/a "Raffi,"	)	- 21 U.S.C. § 846
	)	Attempted Possession with
Defendants.	)	Intent To Distribute Cocaine
)	
	)	- 18 U.S.C. § 2
	)	Aiding and Abetting
)	
	)	- 21 U.S.C. § 853
	)	Criminal Forfeiture

INDICTMENT

COUNT ONE: (21 U.S.C. § 846 - Conspiracy to Distribute,
and to Possess with Intent to Distribute,
Cocaine).

The Grand Jury charges that:

Beginning on an unknown date but at least by in or about
September 2003 and continuing to on or about November 9, 2003, at
Lynn, Boston, Worcester and elsewhere in the District of
Massachusetts, in Providence in the District of Rhode Island, and
elsewhere,

1. JULIO FRANCO, a/k/a "Ramon Mercedes-Ortiz,"
2. DOMINGO VEGA, a/k/a "Mingo," and
3. JOSE RAFAEL SANTIAGO, a/k/a "Raffi,"

defendants herein, did knowingly and intentionally combine,

Case 1:03-cr-10383-RGS Document 16 Filed 12/17/2008 Page 2 of 5

conspire, confederate, and agree with each other, and with other persons known and unknown to the Grand Jury, to distribute, and to possess with intent to distribute, cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

The conspiracy charged herein involved five kilograms or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Sections 846 and 841(b)(1)(A)(ii).

COUNT TWO: (21 U.S.C. § 846 - Attempted Possession
with Intent to Distribute Cocaine).

The Grand Jury further charges that:

Beginning on an unknown date but at least by on or about November 7, 2003 and continuing to on or about November 9, 2003, at Lynn, Boston, Worcester and elsewhere in the District of Massachusetts, in Providence in the District of Rhode Island, and elsewhere,

1. JULIO FRANCO, a/k/a "Ramon Mercedes-Ortiz,"
2. DOMINGO VEGA, a/k/a "Mingo," and
3. JOSE RAFAEL SANTIAGO, a/k/a "Raffi,"

defendants herein, did knowingly and intentionally attempt to possess with intent to distribute cocaine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

The offense charged herein involved five kilograms or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II controlled substance.

All in violation of Title 21, United States Code, Sections 846 and 841(b)(1)(A)(ii) and 18 U.S.C. § 2.

FORFEITURE ALLEGATION

The Grand Jury further charges that:

1. As a result of the offenses alleged in Counts One and Two of this Indictment,

1. JULIO FRANCO, a/k/a "Ramon Mercedes-Ortiz",
2. DOMINGO VEGA, a/k/a "Mingo," and
3. JOSE RAFAEL SANTIAGO, a/k/a "Raffi,"

defendants herein, shall forfeit to the United States any and all property constituting, or derived from, any proceeds the defendant obtained, directly or indirectly, as a result of the offenses, and any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such offenses. Such property includes, but is not limited to:

- (a) \$529,631.00 in United States currency seized from the 1996 Volkswagen Jetta on November 9, 2003, in that such sum represents drug proceeds, and further represents monies the Defendants intended to use to purchase cocaine; and
- (b) \$183,939.00 in United States currency seized from 11 Kings Hill Drive in Lynn, MA on November 10, 2003, in that such sum represents drug proceeds, and further represents monies the Defendants intended to use to purchase cocaine; and
- (c) the 1996 Volkswagen Jetta, Massachusetts VIN 3VWVA81H5TM119770, in which \$529,631.00 in drug proceeds were seized on November 9, 2003.

2. If any of the properties described in paragraph 1, above, as a result of any act or omission of the Defendants --

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;

Case 1:03-cr-10383-F-6 Document 16 Filed 12/17/2006 Page 5 of 5

- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intention of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the property described in paragraph 1.

All in violation of Title 21, United States Code, Section 853.

A TRUE BILL

W. G. H. [Signature]
Foreperson of the Grand Jury

[Signature]
Assistant United States Attorney

DISTRICT OF MASSACHUSETTS: *December 17, 2003, at 12:21 PM*
Returned into the District Court by the Grand Jurors and filed.

[Signature]
Deputy Clerk

United States District Court

DS-SDTX

FILED

AO 442 (Rev. 5/93) Warrant for Arrest

SEP 12 2006 30

United States District Court

Michael N. Milby, Clerk
Laredo Division

DISTRICT OF Massachusetts

UNITED STATES OF AMERICA

v.

Julio Franco,
a/k/a "Ramon Mercedes-Ortiz"

WARRANT FOR ARREST

CASE NUMBER: 03-10383-RDS

5:06 MJ 1504

To: The United States Marshal
and any Authorized United States Officer

YOU ARE HEREBY COMMANDED to arrest Julio Franco, a/k/a "Ramon Mercedes-Ortiz"

Name

and bring him or her forthwith to the nearest magistrate judge to answer a(n)

☒ Indictment ☐ Information ☐ Complaint ☐ Order of court ☐ Violation Notice ☐ Probation Violation Petition

charging him or her with (brief description of offense)

Conspiracy to knowingly and intentionally possess with intent to distribute cocaine, a Schedule II controlled substance, in violation of 21 U.S.C. § 846 and 841 (a) (1) and attempted possession with intent to distribute cocaine, and aiding and abetting.

in violation of
Title

United States Code, Section(s) 846 and 18 U.S.C. § 2

Name of Issuing Officer

Signature of Issuing Officer

Title of Issuing Officer

12-17-2003 Boston, MA

Date and Location

Bail fixed at \$

by

Name of Judicial Officer

RETURN

This warrant was received and executed with the arrest of the above-named defendant at

DATE RECEIVED

NAME AND TITLE OF ARRESTING OFFICER

SIGNATURE OF ARRESTING OFFICER

DATE OF ARREST

SEPT 10 2006

US Border Patrol

Willie Ray Fortson

DIANA SALDAÑA,
United States Magistrate Judge, Presiding

U.S. MAGISTRATE COURT
DS - SDTX
FILED

SEP 12 2006 **BM**

Deputy Clerk	Ben Mendoza	Open	9:00 AM
Court Reporter	Delia Gonzalez, ERO		
Court Interpreter	Ina Pool (used)	Adjourn	11:30 AM
U.S. Pretrial	Anthony Vidal		
U.S. Marshal	Danomi Brown/Carlos Palos		
U.S. Probation	Frank Bazan		

Michael N. Milby, Clerk
Laredo Division

DATE September 12, 2006

Docket No. 5:06-MJ-1504
Re: 03-10383-RGS, Massachusetts

United States of America	§	Mary L. Castillo , AUSA
vs	§	
Julio Franco, a/k/a: Ramon Mercedes-Ortiz, Defendant	§	Paul Saenz, Dft's Atty

Courtroom Minutes
Initial Appearance

✓		Initial appearance on [Warrant on Arrest] .
✓	kia	Dft's first appearance. Dft. Advised of charges and rights.
✓		Dft. advised of charges.
		<input checked="" type="checkbox"/> <u>Indictment</u> <input type="checkbox"/> Violation of <u>Felony Probation</u>
		<input type="checkbox"/> Violation of <u>Pretrial Release</u> <input type="checkbox"/> Violation of <u>Misdemeanor Probation</u>
		<input type="checkbox"/> Violation of <u>Supervised Release Term</u> <input type="checkbox"/> Other:
✓	kfinaff	FINANCIAL AFFIDAVIT, executed and filed.
✓		Dft. requests appointed counsel.
✓	koaptpd	Federal Public Defender, appointed.
<input type="checkbox"/>	k20appt	Private Attorney, appointed. Next on list:
✓	ko(bnd)	No Bond set .
✓	kodtn	Detention Hearing set before Magistrate Judge Diana Saldaña on 9/19/06 @ 11:00 AM
<input type="checkbox"/>		Hearing set before Judge Micaela Alvarez on (TO BE ADVISED)
✓		Identity Hearing set before Magistrate Judge Diana Saldaña on 9/19/06 @ 11:00 AM.
<input type="checkbox"/>		Rule 40 Hearing set before Judge on
✓		Dft. advised Court of medical condition(s) or need(s):
✓	kloc	Dft. remanded to the custody of U.S. Marshals.

/bm

SEP 12 2006 BM

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION

Michael N. Milby, Clerk
Laredo Division

UNITED STATES OF AMERICA

§

VS

§

DOCKET No. 5:06-MJ-1504

re: 03-10383-RGS, Massachusetts

Julio Franco, a/k/a: Ramon Mercedes-Ortiz

§

ORDER APPOINTING PUBLIC DEFENDER

Because the above named defendant has testified under oath or has otherwise satisfied this court that he or she is financially unable to employ counsel, and does not wish to waive counsel, and because the interest of justice so requires, the Federal Public Defender is hereby appointed to represent this person in the above designated case.

If appointment is made by a Magistrate Judge and the case subsequently proceeds to the United States District Court, the appointment shall remain in effect until terminated or a substitute attorney is appointed.



DIANA SALDAÑA

United States Magistrate Judge

Date of order: September 12, 2006

CHARGE: 21, 18: 846, 2

/bm

SEP 13 2006

BM

Michael N. Milby, Clerk
Laredo Division

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION

UNITED STATES OF AMERICA

§

vs

§

ORDER OF TEMPORARY DETENTION
PENDING HEARING PURSUANT
TO BAIL REFORM ACT

Julio Franco, a/k/a: Ramon Mercedes-Ortiz
Defendant

§

Case Number: 5:06-mj-1504
re: 03-10383-RGS, Massachusetts

Upon motion of the GOVERNMENT, it is ORDERED that a detention hearing is set for 9/19/06 @ 11:00 AM, before United States Magistrate Judge DIANA SALDAÑA, at 1300 Victoria, Courtroom 3C, Laredo, Texas 78040.

Pending this hearing, the defendant shall be held in custody by the United States Marshal and produced for this hearing.



DIANA SALDAÑA

United States Magistrate Judge

Date of order: September 13, 2006

CHARGE: Title 21 & 18 United States Code, Section(s) 846, 2.

/bm

United States District Court

SEP 19 2006

DISTRICT OF

Richard A. Wilby, Clerk
Laredo Division

UNITED STATES OF AMERICA

WAIVER OF RULE 40 HEARINGS (Excluding Probation Cases)

v.
Julio Franco
 aka: *Ramon Mercedes Ortiz*

CASE NUMBER:

5:06 MJ1504
 Re: 03-10383-RGS

I, Julio Franco, understand that in the
DISTRICT COURT District of MASSACHUSETTS, charges are
 pending alleging violation of 21 USC 846 ; 21 USC 853 & 18 USC 2 and that I have been arrested
 in this District and taken before a United States Magistrate Judge who informed me of the charge and of my right to:

(1) retain counsel or request the assignment of counsel if I am unable to retain counsel, (2) request transfer of the proceedings to this district pursuant to Rule 20, Fed. R. Crim. P., in order to plead guilty, (3) an identity hearing to determine if I am the person named in the charge, and (4) a preliminary examination (unless an indictment has been returned or an information filed) to determine whether there is probable cause to believe an offense has been committed by me, the hearing to be held either in this district or the district of prosecution.

I HEREBY WAIVE (GIVE UP) MY RIGHT TO A(N):

- () identity hearing
 () preliminary examination
 (X) identity hearing and have been informed I have no right to a preliminary examination
 () identity hearing but request a preliminary examination be held in the prosecuting district

and, therefore, consent to the issuance of an order requiring my appearance in the prosecuting district where the charge is pending against me.

x JULIO FRANCO
 Defendant

9-12-06
 Date

Paul Stanz
 Defense Counsel